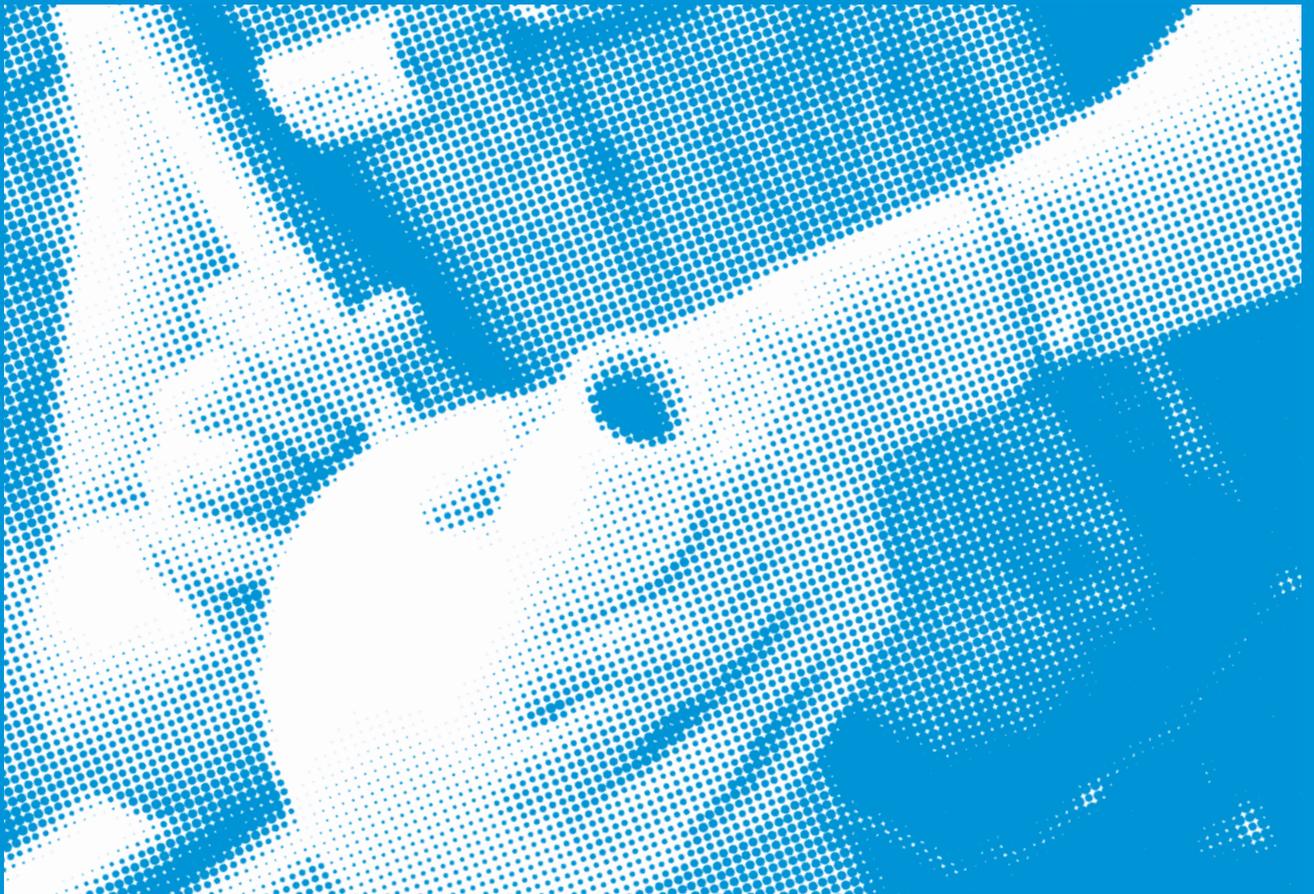


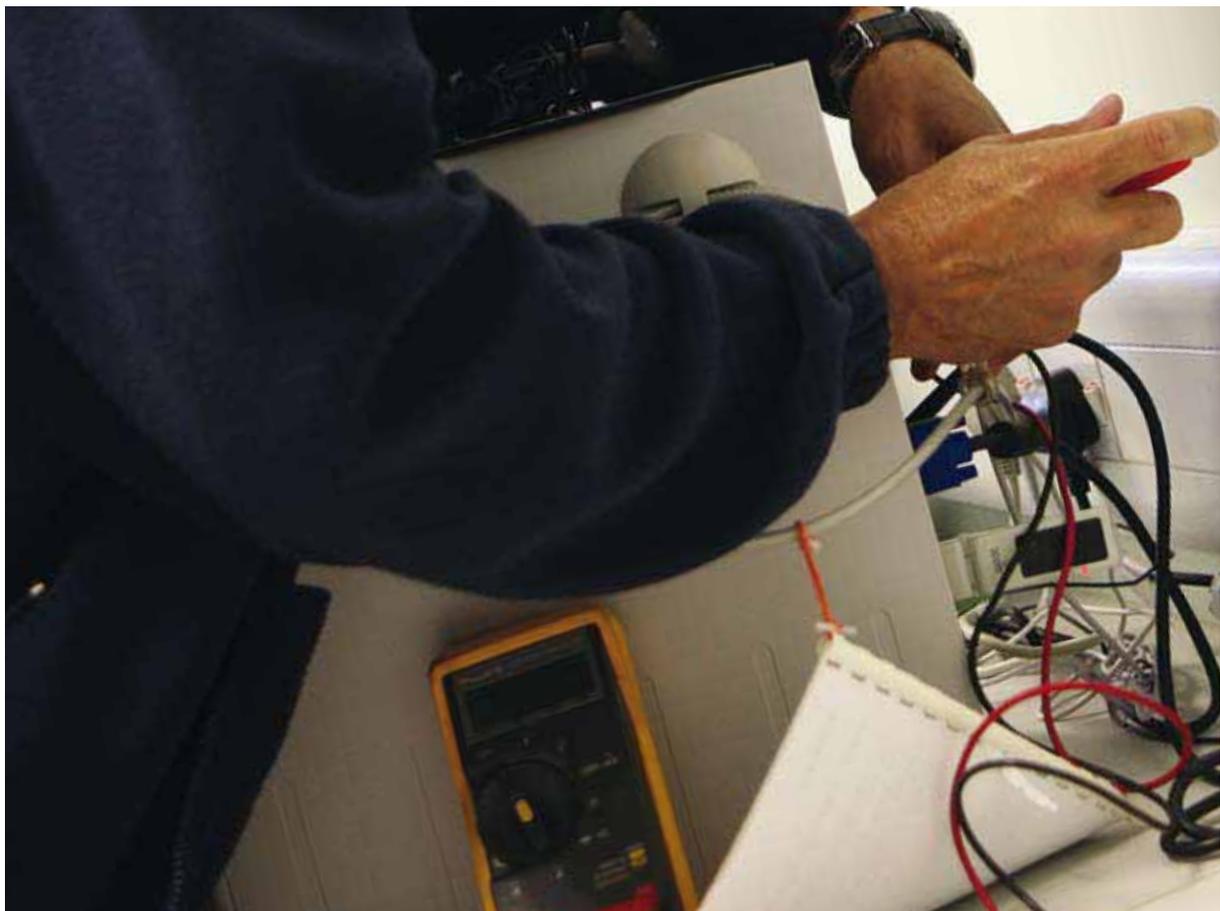
# Safety representatives

A CHARTER FOR CHANGE



**When Lord Robens produced his report on health and safety in the workplace one of the principles that underpinned the report was the belief that the involvement of the workforce is crucial to achieving good standards of health and safety, and that health and safety systems work best when trade unions and employers work together. That philosophy also underpinned the Health and Safety at Work Act, with its legal backing of union safety representatives and the establishment of an equal voice for unions and employers on the then Health and Safety Commission.**

It has been repeatedly demonstrated in studies from a range of countries that worker activity, with union support behind it, is a major factor in reducing injuries and disease at work. Statistics show that better standards of health and safety are achieved in unionised workplaces than in similar non-unionised ones. At the core of this are safety representatives. This report shows how safety representatives make a difference in practice and how shortcomings in the present regulations limit their effectiveness.



## The benefits of union safety representatives

**There are around 150,000 safety representatives appointed and supported by trade unions. A DTI paper published in January 2007, *Workplace representatives: A review of their facilities and facility time*, estimates that safety representatives at 2004 prices save society between £181m and £578m a year. This is as a result of lost time reduction from occupational injuries and work-related illnesses of between 286,000 and 616,000 days a year. It estimates safety representatives prevent between 8,000 and 13,000 workplace accidents and between 3,000 and 8,000 work-related illnesses.**

The TUC report *The Union Effect* outlines the benefits of trade union organisation and safety representatives. In 1995 a group of researchers analysed the relationship between worker representation and industrial injuries in British manufacturing. It found that employers with trade union health and safety committees had half the injury rate of employers that managed safety without unions or joint arrangements. Several other analyses of the same figures have concluded that the arrangements that lead to the highest injury rates are where management deals with Occupational Health and Safety (OHS) without consultation. In 2004 a further analysis of the data confirmed that: “the general conclusion that health and safety should not be left to management should be supported”.

A study of 1998 figures also confirmed that: “unions gravitate towards accident prone workplaces and react by reducing injury rates”. This study showed that where there is a union presence the workplace injury rate is 24 per cent lower than where there is no union presence.

But it is not only injuries that trade unions help reduce. It is also ill-health. Another study in 2000 found that: “the proportion of employees who are trade union members has a positive and significant association on both injury and illness rates”. It went on to say that: “the arrangements associated with trade unions... lower the odds of injury and illness when compared with arrangements that merely inform employees of OHS issues”.

In Ireland a group of academics looked at the construction industry in Northern Ireland and the Irish republic. It concluded: “the strongest relationship with safety compliance is the presence of a safety representative”.

The Health and Safety Executive's own research has reinforced these conclusions. A study showed that the better an employer consulted, the more effective the control measures. Some of the figures were dramatic. Where an employer always consulted, slips risk controls were deemed effective in 76 per cent of cases, but where there was consultation less often the control measures were only very effective in 40 per cent of cases. For falls the figure was 56 per cent as against 18 per cent and for MSD risk controls the figure was 57 per cent and 22 per cent respectively. The same research showed that stress was twice as likely to be recognised as a risk where workers are involved in health and safety management.

In 2003 the Health and Safety Executive (HSE) ran a number of pilots where trade union appointed ‘Worker Safety Advisors’ went in to non-unionised organisations. The report into the pilot showed that over 75 per cent of employers said they had made changes as a result and almost 70 per cent of workers had seen an increase in awareness of health and safety.



The Health and Safety Commission has produced a declaration on worker involvement which states that: “trade union safety representatives, through their empowered role for purposes of consultation, often lead to higher levels of compliance and better health and safety performance than in non trade union systems. We recognise this, support the invaluable contribution they continue to make to health and safety and want dialogue between us to continue and where possible expand into new areas.”

The HSE workers' website states: “There is a large body of evidence that points to the advantages of involving workers in health and safety risk management. By introducing worker involvement you will be making a significant contribution to:

- **developing a positive health and safety culture**
- **reducing accidents and ill health, and their associated costs**
- **meeting customer demands and maintaining credibility**
- **complying with legal requirements.**

In short, workplaces where workers are involved in taking decisions about health and safety are safer and healthier workplaces.”

## The need for more enforcement

**Given the huge difference that safety representatives make in the workplace it is surprising that the HSE has been so reticent to enforce the existing regulations. Although the 1977 Consultation Regulations lay down the requirements on employers in respect of safety representatives and consultation, most of these legal duties can only be enforced by the HSE or local authorities (the exception is time off).**

Despite the overwhelming evidence that consultation saves lives and prevents injuries, many employers do not consult with their workforce and, despite this being a legal requirement, there has never been a case where an employer has been prosecuted for failing to consult, or for refusing to meet their legal obligations under the 1977 regulations. There have been 15 improvement notices issued under the regulations since 2001, but 11 of them were served by two teams in one region.

The lack of enforcement activity is not because all employers are consulting with their workforce. Far from it. A survey of 71 organisations by *Employment Review* in 2008 showed that the numbers of employers consulting their workforce on health and safety has started to decline. Less than half (44 per cent) now consult on health and safety, compared with 68 per cent in 2006. This is despite it being a legal requirement. These were not small micro-employers with one or two employees – they were all organisations with a professional HR function, yet even so, over half of them were failing to consult.

This mirrors estimates made by the HSE in the 2005 paper *Plans for the worker involvement programme*, which stated: “Approximately six out of ten workers in Great Britain are not consulted (whether directly or indirectly through safety representatives) on health and safety matters that affect them”.

The HSE has traditionally seen consultation as an industrial relations matter and advised inspectors not to get involved. In December 2006 the HSE published a new topic pack *Worker Consultation and Involvement* to advise HSE and local authority inspectors on worker consultation and involvement issues. This pack is designed to help staff in HSE and local authorities to:

- understand what is meant by ‘worker involvement’
- understand the legal requirements to inform and consult workers, along with the policy position on enforcing those requirements
- determine when discussion of worker involvement is appropriate, and
- promote the benefits of involving workers.

The TUC has welcomed this development, but is waiting to see if it makes a difference in the way inspectors deal with problems around consultation in the workplace, in particular enforcement.

A key concern of the TUC and trade unions is the lack of support from inspectors for union safety representatives who are denied paid release to undertake necessary safety training and functions. As this is the one part of the regulations where a safety representative can take their employer to an employment tribunal, the view of the HSE appears to be that they should not get involved. However, there is a strong case for HSE or local authority intervention. The biggest problem reported by safety representatives is simply getting time off to act as a safety representative, or for training, despite these being legal rights. Many safety representatives also fear victimisation. *Hazards* magazine recently reported that dismissal for raising health and safety concerns was one of the biggest reasons given for claiming unfair dismissal, and the legal system is woefully inadequate at protecting safety representatives.

## What do safety representatives do?

**Safety representatives are unpaid volunteers. They are entitled to time-off with pay for their activities and for training, but many choose to do much of the work in their own time. The amount of time safety representatives spend on their activities varies considerably.**

In a 2008 survey, safety representatives were asked how much time they spend specifically on health and safety matters. The results showed that in the previous week:

- just under half (47 per cent) had spent up to one hour on their health and safety work
- just over one in three (37 per cent) had spent between one and five hours
- nine per cent had spent between five and 10 hours
- six per cent had spent more than 10 hours.

Most of a safety representative's time is spent dealing with queries and raising issues with employers. They also inspect the workplace, support members (including sometimes visiting them at home), investigate injuries, check risk assessments and safety data sheets, keep their members informed and liaise with other union representatives.

The evidence is that most safety representatives take their responsibilities seriously, with over half having inspected their workplace at least three times in the past year.

Although the DTI puts the financial benefits of safety representatives to the economy at between £181m and £578m each year, the work of safety representatives adds value in ways that cannot be costed simply in terms of savings to the employer and the economy. The number of people who owe their health, or even their lives, to the interventions of safety representatives is incalculable.



Below are a small number of case studies illustrating the range and value of interventions made by safety representatives in the workplace. These show that safety representatives are positively engaged in finding solutions to real problems that face the workforce. They are only a few of the many hundreds that have been reported to the TUC in recent years.

## Case studies

- When safety representative Gwen Cherry was studying for the TUC Certificate in Occupational Health she recognised that the checkout layouts of the supermarket she worked in breached the Manual Handling Regulations. He came up with the idea of a 'plank' that reduced the need to scan goods at the checkout. The company accepted the idea and Gwen worked with the company's design team to introduce the system, which is now in operation in the company's stores.
- Safety representatives from the EIS union working in newly built schools in Glasgow raised problems with humidity and temperature. The council conducted a survey that said there was no problem. The union eventually commissioned its own study that showed the schools did not meet Scottish building standards and asked the HSE to investigate. The HSE upheld the union's complaint and is working with the council to bring the schools up to standard.
- In one workplace, safety representatives from the union Prospect raised their concerns over the chemical hydrazine being decanted into the open, leading to vapour escaping. Management agreed to contact the supplier who worked with them to develop a system with a stainless steel locking device attached to the storage drum that clamped to the ejector suction pipe work, reducing the exposure to vapour considerably. Monitoring has confirmed the exposure has been considerably reduced.
- In South Lanarkshire a safety representative was concerned that gravediggers could be trapped by a cave-in with no way of getting help. As a result the Council agreed to provide all employees in graveyards with mobile phones.
- In neighbouring North Lanarkshire safety representative Jim Cowan found that caretakers in tower blocks were finding discarded needles and were expected to deal with them despite having no training or special equipment. After the union intervened specialist disposal was arranged by the council.
- During the 2007 European Health and Safety Week, safety representative Ken Moore organised and ran a joint manual handling course with the employer's health and safety advisor. Parking attendants – both union members and non-members – who have a responsibility for emptying pay and display machines took part in the training. During the course it was identified that a trolley was probably required to avoid the carrying of heavy loads and this has since been purchased.
- In Tower Hamlets, safety representative and union safety officer Adrian Grieves noticed high levels of sickness absence in two new buildings. He raised this with management and asked the HSE to investigate. This led to an improvement notice being served and a major refurbishment, including a new ventilation system that has dramatically decreased levels of sickness.



It was also union safety representatives who recognised and took up many issues that have now been accepted as occupational health concerns in circumstances where employers, and sometimes the HSE, stated that either the problem did not exist or there was nothing that could be done about it.

An example is acoustic shock, where safety representatives in call centres raised the issue with their union, leading to a national campaign. Likewise the campaigns against violence in both the NHS and retail were started by safety representatives. It was female firefighters raising the issue with their safety representatives that led to the fire service introducing safety equipment designed for women rather than men. The landmark case which established that employers were liable for work-induced stress was taken by a union. Only by safety representatives in the NHS reading about a campaign for safer needles in North America and raising the issue in their own hospitals did the NHS – slowly – begin to adopt safer needles.

## Safety representatives and training

**One of the reasons unions make such a difference is that they ensure that their safety representatives are trained. In 1997, a survey for the HSE into the chemical regulations (COSHH) found that safety representatives were far more knowledgeable than their managers. 90 per cent of safety representatives were aware of the main principles of the main chemical safety regulations. Over a third of managers had not even heard of the regulations. The survey also found that over 80 per cent of safety representatives had received training in health and safety in the last two years, compared to 44 per cent of managers.**

Every year the TUC trains more than 10,000 safety representatives. Many more are trained through their unions. On the rare occasions where there are non-union safety representatives, they get their training from management, or management-appointed consultants, so are less able to challenge what management tell them. The high quality of training provided is one of the major reasons why union safety representatives have such a positive impact.

One example of this is a joint initiative between the trade union Unite and Balfour Kilpatrick to encourage new trade union safety representatives to come forward, and to give them quality health and safety training relating to their sector. Reps were trained to increase awareness of their rights and the scope of their role. The programme included generic training surrounding the construction industry, risk assessment, accident investigation and site inspections. The initiative was supported by union and company officials at the highest level. Following the programme, incident rates fell significantly.

On a separate occasion, Unite trained and supported safety representatives on Muscular Skeletal Disorders (MSDs) as part of a joint initiative with the HSE, by providing them with appropriate training tools and literature that safety representatives could take back and promote in their workplaces. Results in the report suggest that since receiving the training, 59 per cent of safety representatives increased the frequency with which they raised back safety issues with their colleagues, and 29 per cent increased the number of times they raised back safety issues with senior management. Three months after the training course, of the 24 per cent of representatives who put forward the suggestion of buying new handling aids to their safety committee or senior management, all of them had seen new handling aids bought. Of the 29 per cent who put forward new or updated training programmes on manual handling techniques, 93 per cent had seen this implemented.

The quality of safety representatives' training is often acknowledged by management. A number of colleges that provide TUC safety representative courses report that, after training safety representatives, they are approached by the employer who asks if the same training can be provided to the management. One college in the North West reported that it was approached by management at Knowsley Housing Trust after they were so impressed with the safety representatives' training that they asked the college to first train their supervisors and then their maintenance staff. The same thing happened after the college trained safety representatives at Sonae International in Kirkby. The college is now delivering management and membership training.

Despite this, one of the biggest complaints from safety representatives is that management will not give them time off to attend training courses. Often it is because management refuse to provide cover for representatives to attend, or simply because they refuse to give time off. This has led to a significant increase in the number of representatives either taking leave or opting for online training, which they do in their own time.

## When things go wrong

**Unfortunately having trade union safety representatives in a workplace is not a guarantee that the safety record will improve. If employers do not fully engage with them then the effectiveness of their work will be seriously undermined. An estimated 65 per cent of safety representatives feel that if they raise a concern their employer will try to address the issue raised, but a minority say that their employer either does nothing, or does not even respond.**

A TUC survey of safety representatives found that only 27 per cent of safety representatives report that their employer automatically consults with them frequently, with 24 per cent saying that their employer never consults automatically. A survey by Unite showed that 46 per cent of employers always involved safety representatives in risk assessments.



The failure to consult, or even to respond to issues raised by safety representatives can have devastating consequences, as the following examples show:

## Case studies

- Ian Dicker fell to his death at the West London Mail Centre, Paddington, in July 2003. At the time of the accident Ian Dicker was working on the main roof of the West London Mail Centre. He was installing a new lighting system and supervising an apprentice. The two men were working next to fragile skylights which were not boarded or marked as being dangerous and there were no safety guard rails to prevent someone falling. After the work had commenced, the apprentice had fixed an infra-red light unit in position on the roof when Mr Dicker stepped forward to inspect his work and fell 30 feet to his death through one of the fragile skylights. He died of multiple injuries. CWU Safety Representative Stephen Howlett had raised concerns on a number of occasions, pointing out the dangers and a need to undertake suitable risk assessments. His calls were ignored as there was no legal duty to respond to him or involve him in risk assessments or reviews. All the correspondence, minutes and inspection reports he had were handed over to Westminster Council, which prosecuted both the contractor Romec and Royal Mail.
- Another safety representative from Unite reported that after an incident whilst working alone on a mobile elevating work platform (mewp), the platform got jammed in the raised position and he had to summon the assistance of a passing operative from another company, who fortunately knew how to operate the emergency lowering mechanism. At the following morning's daily briefing he queried whether the company was adhering to the method statement/risk assessment with regard to working with mewps whilst working alone. The supervisor neither acted on his question, nor raised it at a higher level. A few months later an operative was crushed between the mewp handrail and electrical containment. The safety representative found that the method statement which the operative was working to at the time of the incident was a year out of date.
- A safety representative at West Midlands Police reported that a failure to consult with him led to several broken ankles and a broken shoulder after the force stopped using wooden batons as missiles in public order training exercises and started using spent baton rounds instead. This meant that officers slipped on the Baton rounds. Had the safety representative been consulted he would have been able to share the experience from other forces and also insist that a risk assessment be done at the time of the changeover.

## The need for a new partnership with safety representatives

**Potential tragedies will only be avoided if employers, the HSE and the Government change their attitude towards consultation, unions and safety representatives. The 150,000 trade union-appointed safety representatives represent a major resource for improving the safety culture in the workplace and reducing and levels of injury and ill-health. They could also be a valuable tool in warning regulators about ‘rogue’ or dangerous employers.**

Consultation should not be seen as an ‘add-on’ that is good to have. It is one of the two pillars that hold up a good safety system, along with risk assessment and management. Given the enormous difference that both consultation and trade union safety representatives make, the fact that the majority of UK workplaces have no mechanism for consultation is appalling.

There are some things that could be done immediately to start to change this. Firstly, all inspectors, from both HSE and local authorities, should automatically ask employers how they consult. Although a growing number of HSE inspectors now do this, reports from safety representatives indicate consultation is still patchy, particularly in the local authority enforced sector.

Secondly, campaigns should be run to show employers the value of consultation, as well as to remind employers of their legal obligations, and action should be taken against those who do not consult with safety representatives. The HSE should also be more vocal in saying that the union model works best in protecting the health and safety of workers.

The HSE needs to back up its stated commitment to worker involvement by giving stronger support to safety representatives, for instance by providing materials that are suitable for them. It should also ensure that material for employers emphasises, much more, both the benefits of, and the legal requirement for, consultation on health and safety matters.



Safety representatives also need access to regulations, ACoPs and guidance. As unpaid volunteers they cannot be expected to purchase copies of these themselves, yet they often need access to them to be able to deal with problems at work, or to challenge their employer's practices. Unfortunately most Codes of Practice and Guidance are only available as priced items. This severely restricts the ability of safety representatives to operate and work with employers to ensure compliance.

There is also a strong case, as has been outlined earlier, for greater enforcement of the consultation regulations.

However, the TUC also want improvements to the existing regulations. This would include sanctions available against employers that refuse to give their safety representatives paid release for training. At present a safety representative can take a case to an Employment Tribunal, and some do, however this is little deterrent and employers who consistently refuse to allow their safety representatives paid release for training should be prosecuted.

The TUC also believes that the general 'time-off' provisions need to be expanded. Many occupational health issues fall between 'health and safety' and 'human resources'. This includes issues around workplace stress, management of sickness absence, bullying and workplace organisation. As a result many safety representatives find themselves spending more time dealing with issues in conjunction with other union representatives such as stewards and equality representatives. The current regulations that lay down the functions of safety representatives are silent on this point and as a result safety representatives are sometimes refused time off for meetings with other union officers or representatives.

There is also a problem getting line managers to engage with safety representatives, even when, at a corporate level, there are good structures. Safety representatives often report that line managers either ignore representations or fail to address concerns raised. At the moment safety representatives can raise any safety matter they want with their employer – but there is no legal duty on them to respond. To get round this, many unions have managed to get their employer to agree a system of 'improvement notices' (also called Union Inspection Notices) where the employer agrees to respond to items raised by a safety representative. These, however, have no legal status, unlike in Australia where safety representatives can issue a form of improvement notice called a Provisional Improvement Notice (PIN). This system has led to increased compliance and is broadly supported by both sides of industry, as well as the government.

If there was a legal requirement on employers to respond, and a duty on the enforcing authorities to react to any complaint from a safety representative that the employer has not responded, or failed to respond adequately, this would go a considerable way towards improving dialogue between safety representatives and line managers. When the HSE consulted on the issue in 2006, 72 per cent of employers and representative organisations that offered an opinion said there should be a new duty to respond to representations.

The issue of trade union involvement in risk assessments has also been raised on a number of occasions. While many employers do consult on risk assessments, and discuss the risk management controls that arise from them, a large number do not. Given that safety representatives generally know what actually happens in the workplace far better than management, this is a major failing that should be rectified as soon as possible.



There are also restrictions on those workers a safety representative can act on behalf of. Since the current consultation regulations came into effect in 1978 there have been great changes in the world of work – with more small employers, more contract staff and more agency workers. If you have employees working in the same workplace, but with different employers, then the safety representative can only represent the workers employed by their employer. This is clearly at odds with the reality of working life in the 21st Century and needs addressing. The 1977 regulations accepted that some workplaces were going to be problematic because employees may be on short-term contracts, freelance, or move around a lot, which is why they specifically stated that two unions, Equity and the Musicians Union, could appoint representatives who were not directly employed in the place of work. The same arguments apply in other sections of the entertainments industry as well as sectors such as construction, agriculture and even finance, Regulation 8 needs to be extended to encompass these sectors.

Where unions have negotiated agreements with employers that the safety representative covers workers employed by other employers within the same workplace, or a safety representative covers a range of workplaces, there has been considerable success. Such agreements have been most effective in areas like the NHS and education, but have also been successful in construction, such as the system of roving safety representatives established at ManchesterWorking, a £350m joint venture set up to deliver a programme of repairs to council-owned homes in the city. There have also been a number of pilots in agriculture. However, the status of these safety representatives can be unclear given the wording of the current regulations, and there is concern that they might not always be protected if they should be victimised for their activities.

The TUC also believes that where a workplace is clearly unsafe and a serious injury is likely to take place, a safety representative should be able to stop that work taking place. At the moment individuals have the right to stop work if there is 'serious and imminent' danger, but this almost never happens as, individually, representatives fear repercussions from the employer. If safety representatives had the right to do it, with full protection against victimisation, dangerous practices could be stopped immediately.

## Non-union workplaces

**There are no easy solutions in workplaces that have no union recognition. Management in these workplaces can decide to consult using ‘representatives of employee safety’. Any representatives appointed through this process will not have access to independent support and will be totally dependent on their employer for training. The number of representatives appointed under the 1996 regulations (non-unionised areas) is extremely low.**

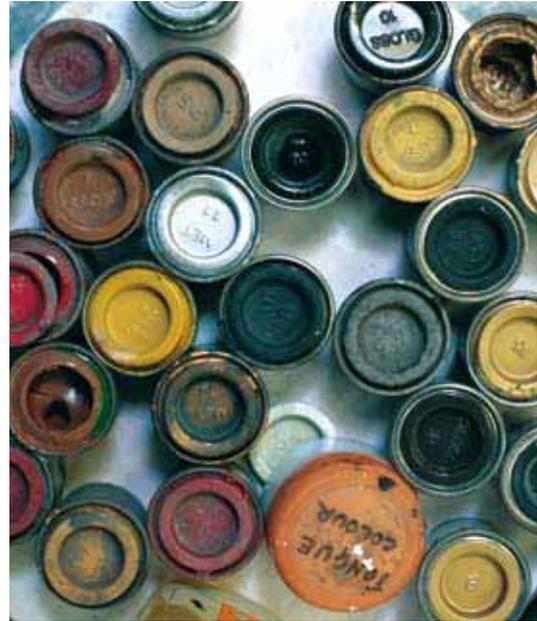
At present most employers that do not recognise trade unions have no form of consultation on health and safety, despite it being a legal requirement. While the regulations allow employers without trade union recognition to determine how they consult, either through representatives of employee safety or individually, most choose to do neither.

The TUC believes that it is not practical for medium and large employers to consult meaningfully with their workforce individually and argues that it should be a requirement that these workplaces have a representative structure, along with a safety committee.

The TUC would like to see a legal requirement on all employers with more than 20 employees to have safety representatives, and all employers with over 50 employees to have a safety committee. Systems would have to be put in place to ensure that these representatives had access to independent training and had protection from victimisation, and the TUC would welcome discussions on how that can be achieved.

The TUC also believes there is a case for a new kind of safety advisor for small and medium enterprises (SMEs). In 2002 trade unions supported a one-year pilot of union-appointed safety representatives who would go into small workplaces to act as safety advisors. The scheme facilitated the creation of safety committees in some workplaces and joint working on risk assessments and training. It concentrated on six sectors that were notoriously hard to reach and which needed particular support in encouraging the partnerships and joint working fundamental for improving health and safety. Eighty-eight employers participated. Surveys





before and after the pilot showed that the involvement of these union-supported advisors led to improvements in small, non-unionised, workplaces' approach to health and safety. More than 73 per cent of employers said awareness of health and safety matters had increased and a third said communications had improved. More than 75 per cent of employers said they had changed their approach to health and safety and nearly 70 per cent of workers observed an increase in the amount of discussion on health and safety.

Building on the success of the Worker Safety Advisor pilot scheme the construction union UCATT set up its own network of Health and Safety advisors. UCATT Health and Safety advisors now offer practical advice, safety training, talks and information to workers and firms in the construction sector, with the aim of improving consultation, worker engagement and health and safety in an industry that suffers from very poor safety records.

Unfortunately, the Worker Safety Advisor pilot was followed by a three year program, 'Challenge Fund', where the link with unions was broken and much of the advice was linked to private consultants. It is generally accepted that the challenge fund was far less successful than the original pilots with the exception of construction and food manufacturing/distribution, where the union link was retained.

The TUC believes that the appointment of union-appointed and supported safety representatives with a roving remit to support employers and workers in non-unionised areas where there is currently no consultation would have real and lasting benefits to the health and safety culture of SMEs. A similar system in Sweden has been judged a success by both employers and government.

The TUC believes these changes would have a significant effect on the safety culture within both the non-unionised and SME sectors and would lead to a significant reduction in ill-health and injury.

## Trade unions playing their part

**It is individual unions and the TUC that have supported and developed safety representatives. In addition to the training that takes place, most unions provide regular briefings for all representatives, have information on their website, and have regional or national structures to ensure that individual advice and support is available when required.**

The TUC publishes the 340-page book *Hazards at Work* for safety representatives. It covers all the main areas they are likely to encounter in their role. Much of this information is also available on the TUC website [www.tuc.org.uk](http://www.tuc.org.uk), along with more detailed guidance on a range of issues. The TUC also publishes a weekly newsletter, *Hazards*, for safety representatives. In addition, the TUC has produced materials to ensure that safety representatives are involved in government initiatives such as the Work, Health and Well-Being programme. This includes a guide to occupational health issues including access occupational health services and rehabilitation.

Many unions produce their own handbooks for safety representatives and/or regular newsletters. Some have advice lines or annual conferences to bring safety representatives together.

Without this support safety representatives could not operate independently of their employer. Only by getting access to advice, information and training from their trade union can safety representatives have the understanding and confidence to challenge the assumptions and practices of management.

The TUC is also working with trade unions to ensure that there are more safety representatives, and that those currently recruited are even more effective. We have established an “organising academy” aimed at supporting the development of workplace organisation, including on health and safety. We have published a series of resources for unions on organising and health and safety, which many unions are using. A number of unions have also run campaigns aimed at getting more women and young people involved as safety representatives.



## In conclusion

**Cultural change will not be achieved through timidity. The scale of the problem is immense with 650,000 new cases of occupational ill-health and over a quarter of a million reportable injuries every year. Given the impact that full consultation and the presence of union safety representatives can have on an organisation's serious injury rates a major extension of these would be the most significant and effective development in occupational health and safety since the 1974 Health and Safety at Work Act.**

Safety representatives are not something to be feared. They should be allowed to fulfil their full potential as an invaluable resource that can help employers improve the safety culture and win the confidence of their workforce. They can also complement and support the work of the HSE and local authorities in ensuring that health and safety regulations are complied with.

Trade unions do not want safety representatives to take on the role of inspectors. They recognise the limitations of their role. However, the TUC believes that the ability of safety representatives to function is severely hampered by current regulations, and that the benefits of consultation are considerably limited by the failure of the HSE and local authorities to enforce the law.



## **What the TUC wants to see:**

- All employers being asked how they consult with their workforce
- A campaign to show employers the value of consultation and remind them of their legal obligations
- More support for safety representatives from the HSE
- A recognition that the union model is the most effective one in protecting the health and safety of workers
- Free access to all ACoPs and guidance for safety representatives
- Increased training for both HSE and local authority inspectors on the role and function of safety representatives
- Greater enforcement of the consultation regulations
- Sanctions available against employers that deny safety representatives paid release for training
- Penalties against employers that victimise a safety representative
- A new legal duty on employers to respond to issues raised by safety representatives
- A duty on enforcing authorities to react to a complaint from a safety representative that their employer has not responded adequately
- A specific requirement on employers to consult safety representatives on risk assessments and controls arising out of them
- An extension of Regulation 8 to cover other industries with large numbers of short-term, temporary 'self-employed' or freelance workers
- An extension of the ability of safety representatives to act outside their immediate workplace or employer in certain circumstances
- The right for safety representatives to stop unsafe and dangerous work taking place
- A legal requirement on all employers with more than 20 employees to have safety representatives, and for all employers with more than 50 employees to have a safety committee
- Continuation of the Workplace Advisors scheme in construction
- A national worker advisor scheme for SMEs using union appointed and supported safety representatives



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